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AF/1722 EW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Heath, Kenneth

Atty. Docket No.: RPS6043D1-US

Serial No.: 10/075,824

Examiner: Thu Khanh T. Nguyen

Filing Date: 02/13/2002

Group Art Unit: 1722

Entitled: APPARATUS FOR MAKING EMBOSSED BLISTER PACK

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10(a)

Date of Deposit: 7/31/06

I hereby certify that this correspondence is being sent via Express Mail No. EV706358458US to the attention of the above named Examiner in care of Commissioner for Patents, MAIL STOP – AMENDMENT (AF), P.O. Box 1450, Alexandria, VA 22313-1450.


Jennifer Warner

Honorable Commissioner of Patents and Trademarks
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AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.113 AND 35 U.S.C. 103(c)

This communication is in response to a Final Office Action mailed on June 29, 2006. As this communication is being submitted within the shortened statutory period for reply of three months, it is believed to be timely and no fee is required. Furthermore, as this Amendment and Response is being filed within two months of the final Office Action, Applicant is entitled to Notice of an Advisory Action under MPEP 706.07(f).

In summary, the instant application (10/075,824) and the primary reference cited by the Office Action under 35 U.S.C. §103 (Kearney, et al.; WO 99/08857; now U.S. Pat. No. 6,391,237) were commonly owned at the time of the invention of the subject matter of the instant application (10/075,824). The Examiner is respectfully asked to take Administrative Notice of the records of Assignments in the United States Patent and Trademark Office in this

regard, and an Affidavit from a corporate official having personal knowledge of these facts is provided in support of this averment. Therefore, the Kearney reference is disqualified as prior art and any 35 U.S.C. § 103 rejection based on this reference should be rescinded. 35 U.S.C. § 103(c).

Additionally, in the interest of completeness, Applicant addresses the Office Action's findings in regards to the supplementary 35 U.S.C. § 103 reference, showing that this reference is not apt, alone or in any combination, relative to the instant invention.

Remarks begin on page 3 of this paper.